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REMARKS

TECHNOLOGY CENTER R3700

This is in Response to Office Action dated July 10, 2003, in the above noted application. Claims 1, 2 and 8 – 12 are in the application. Claims 8 – 12 are allowed; claims 1 and 2 stand rejected under 35 U.S.C. 103 as unpatentable over the cited Toennesen reference in view of the cited Chorkey reference.

The Office Action states that the patent to Toennesen discloses the claimed features with the exception of disclosing the flexible, ring-like valve element (75) as an O-ring, i.e. a flexible, ring like valve element with a non-circular cross-section.

It is submitted that the V-shaped valve member of Chorkey is not comparable to the valve member of Toennesen. Toennesen teaches the use of sealing elements with highly flexible ends (column 2, lines 19 and 20) or a "shape with extremities" (column 2, line 30). Thus, the essential feature of Toennesen appears to be the flexibility of the edges of the sealing members. It is well understood that an O-ring does not have such edges, ends or extremities. Clearly, Toennesen teaches away from using an O-ring, which would have the advantage of being much less expensive than the more complex shape of that was used by Toennesen.

Furthermore, Applicant's claim 1 recites "...a setting mechanism for steplessly setting the circumferential edges such that they are lockable and displaceable relative to each other". Such lockable and displaceable elements are neither described nor suggested in the cited art.

It is well established that the teachings of references can be combined only if there is some suggestion or incentive to do so. (ex parte Obukowicz, 27 U.S.B.Q. 2nd 1063, 1065.) It is respectfully submitted that there is no teaching or suggestion in the references cited in the present Office Action that would lead a person of the ordinary skill in the art to combine the cited references and arrive at Applicants claimed invention.

In light of the above, Applicant's claim 1 is believed to be patentably distinguishable from the cited art. Claim 2 is dependent from claim 1 as believed to be patentable for the reasons stated with respect to Claim 1.

In light of the above, the application is believed to be in condition of allowance and early notification of allowance is respectfully requested.

The Examiner is cordially invited to contact Applicant's attorney at the telephone number indicated below, in the even that the Examiner concludes that a telephone conversation may be helpful in the disposition of the case.

Respectfully submitted,

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